

Reconsideration of the application in light of the following remarks is respectfully requested.

Applicant thanks the Examiner for the courtesy and effort extended to their attorney, Richard J. Katz, during a February 21, 2006 telephonic interview. During the interview the rejection of claim 1 over the cited combination of prior art was discussed. The present Examiner, assigned after the mailing of this Final Office Action, indicated that the previous Examiner did not formulate an adequate ground of rejection. The Examiner further indicated that he would enter this request for reconsideration into the case and withdraw the present rejection.

Claims 1 and 4-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,183,044 to Koyanagi et al. (“Koyanagi”) in view of U.S. Patent No. 6,354,648 to Allan et al. (“Allan”). Applicant respectfully traverses this rejection for the following reasons.

The Examiner contends that Koyanagi discloses most of the claimed features. The Examiner acknowledges that Koyanagi does not disclose “a sub-cushion portion attached to the seat cushion pad,” as recited in claim 1. However, the Examiner relies on Allan as disclosing this feature and states that it would have been obvious at the time of the invention to combine Koyanagi and Allan to achieve the invention of claims 1 and 4-6.

Applicant submits that Allan discloses a child-restraint system that includes a base portion 16 and a mounting portion 17. The base portion 16 is securely attached to the floor of a vehicle via bolts. The mounting portion 17 includes a body 22 having a slot 23 which engages a wall portion 20 of the base 16. The “wall portion 20 is upstanding from the plate 18 [of the base 16] towards the contacting parts of the seat cushion and backrest portions.” (Allan, column 3, lines 29-36; and Figs. 1-2.) “[T]he mounting portion may be simply pushed through the ‘bight-line’ between the backrest and cushion portions of the seat until it cooperates with the base portion” (Allan, column 2, lines 30-33.) This arrangement allows for mounting elements 25 to protrude thorough the gap between the vehicle seat cushion and backrest portion.

First, Allan discloses passing the mounting portion through the gap between the vehicle's seat cushion and back rest. Applicant submits that neither Koyanagi nor Allan provide motivation to attach Allan's mounting portion to the vehicle's seat cushion. Also, there is no suggestion in either reference to modify the vehicle seat cushion so that the mounting portion can attach to it.


Second, combining Koyanagi and Allan results in a system that replaces Koyanagi's clamping bars 74 ("provided on both left and right sides of the rear portion of the seat," Koyanagi, column 3, lines 33-40; and Fig. 5), with mounting elements protruding through the gap between the vehicle cushion and backrest as taught by Allan. The mounting elements themselves being part of a body portion connected to a base bolted to the vehicle floor.

Third, claim 1 also recites a “through hole being formed in a state where the sub-cushion portion is attached to the seat cushion pad.” Such a through hole is not formed by the combination relied on by the Examiner.

Applicant submits that the aforementioned reasons demonstrate that the combination of Koyanagi and Allan does not result in the invention of claim 1. Claims 4-6 depend from claim 1, therefore the combination of Koyanagi and Allan does not result in the invention of claims 4-6 for at least the same reasons as claim 1. Thus, the Examiner has not met the burden of establishing a *prima facie* case of obviousness. Reconsideration and withdrawal of the rejection is requested.

Each and every point raised in the Final Office Action mailed November 9, 2005 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 1-6 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

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